

Message Text

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ACTION EUR-25

INFO OCT-01 EA-11 IO-14 ISO-00 AGR-20 CEA-02 CIAE-00

COME-00 DODE-00 EB-11 FRB-02 H-03 INR-10 INT-08 L-03

LAB-06 NSAE-00 NSC-07 PA-04 RSC-01 AID-20 CIEP-02

SS-20 STR-08 TAR-02 TRSE-00 USIA-15 PRS-01 SP-03

FEA-02 OMB-01 SWF-02 OIC-04 DRC-01 /209 W

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P R 252241Z APR 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 3298

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY COPENHAGEN

AMEMBASSY LUXEMBOURG

AMEMBASSY DUBLIN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

AMEMBASSY CANBERRA

USMISSION USUN NEW YORK

LIMITED OFFICIAL USE OTTAWA 1226

E.O. 11652: N/A

TAGS: EGEN ECOSOC UNGA

SUBJECT: PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

REF: STATE 083842

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1. EMBOFF RAISED MATTER OF LDC DRAFT ON RIGHT OF NATIONAL-

IZATION (PARA 3(E) OF DECLARATION OF PRINCIPLES) WITH
EXTERNAL AFFAIRS HEAD OF MULTILATERAL AID AND DEVELOPMENT
SECTION (BERGBUSCH) ON APRIL 25.

2. BERGBUSCH SAID HE UNDERSTOOD FROM NEW YORK REPORTS THAT
U.S. AND SOME OTHERS (PRESUMABLY EUROPEAN) HAVE OFFERED
SOME LANGUAGE ALTERNATIVES TO LDC DRAFT WHICH AS IT
PRESENTLY STANDS WOULD NOT REPEAT NOT BE ACCEPTABLE
TO CANADA. HOWEVER, HE SAID CANADA HAS SOME LANGUAGE
SUGGESTIONS OF ITS OWN WHICH WILL BE PUT FORWARD.

3. ACCORDING TO BERGBUSCH, CANADA WILL SEEK A FORM-
ULATION THAT WOULD STATE "EVERY COUNTRY HAS THE RIGHT
TO PROPOSE THE AMOUNT OF EQUITABLE COMPENSATION AND
MODE OF PAYMENT". THE SUBSEQUENT LDC CLAUSE "WHILE
POSSIBLE DISPUTES HAVE TO BE SOLVED IN ACCORDANCE WITH
THE DOMESTIC LAWS OF EVERY COUNTRY" WOULD REMAIN IN
THE CANADIAN VERSION. HOWEVER, CANADA WOULD ADD A
GENERAL COMMENT TO THAT CLAUSE ALONG THE FOLLOWING
LINES: "WE CONSIDER THAT IN CASE OF NATIONALIZATION
OF ASSETS OWNED BY NON-NATIONALS THE DETERMINATION
WHETHER THE COMPENSATION OFFERED IS EQUITABLE MUST BE
MADE IN ACCORDANCE WITH INTERNATIONAL LAW AND PRACTICE
AND THAT DISPUTES ON SUCH MATTERS MAY IN THE LAST
ANALYSIS BE CONSIDERED AT THE INTERNATIONAL LEVEL".
BERGBUSCH FURTHER STATED THAT A SUBSEQUENT SENTENCE
IN HE LDC DRAFT ("THIS PRINCIPLE MAY BE APPLIED
ACCORDING TO NATIONAL INTERESTS AND LAWS") WOULD BE
DELETED BY THE CANADIANS.

4. BERGBUSCH CONCLUDED BY NOTING THAT THE GOC
POSITION ON THIS MATTER WOULD SEEM TO FALL SOMEWHERE
BETWEEN THE GROUP OF 77 AND THE U.S. AND SOME OTHER
WESTERN COUNTRIES.
PORTER

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